

CAL-NEV TAHOE BASIN FIRE COMMISSION SUMMARY MINUTES

January 25, 2008

South Lake Tahoe Community College

1. Call to Order – Roll Call

Present:

Co-Chairs Kate Dargan and Sig Rogich, Commissioners Michael Brown, Bob Davidson, Ruben Grijalva, Bud Hicks, Ron McIntyre, Jeff Michael, Jim Peña, John Pickett, John Upton, James Wright, Pete Anderson, Cindy Tuck, Patrick Wright. Ex-Officio Members Leo Drozdoff and Allen Biaggi.

Absent: Commissioners John Koster and Jim Santini. Ex-Officio Member Amy Horne

It was noted that quorum was present.

2. Minutes of the December 14, 2007 Commission Meeting-(Action)

Mr. Rogich called for review and approval of the minutes of the Commission meeting of December 14. It was noted that the minutes of January 15, 2008 were being distributed in member's packets. Formal approval of these would be on the agenda for the next meeting.

There were no suggested changes to the minutes of December 14, 2007.

Motion--Mr. Rogich asked that the minutes be adopted as presented, and the vote was unanimous in favor.

3. Presentation by Thomas Bonnicksen, PhD of forest management options for mitigating the adverse effects of wildfire in the Lake Tahoe Basin

Kate Dargan introduced Dr. Bonnicksen and said that he is a well known and respected expert who has testified 13 times for congress. He is a published author who will offer some very useful and insightful information to the commission. He has extensive experience and interest with issues important to the Tahoe Basin.

Dr. Bonnicksen presented a slide show and the highlights are as follows:

- 35 years of dealing with North America's forests and studying their history.
- The composition of the historic forests and the measures we can take to improve our modern forests
- The fire problem he considers to now be a crisis
- Much has changed over the years – much more damage and destruction all around the county.
- Insect infestations
- The Forest Foundation has asked that he now expand his research to include information about the environment and carbon sequestration
- He has created a computer model – the results will be published next week

Climate Change and Wildfire

- Earlier research has focused on 18,000 years of forest history.
- He is now interested in studying how forest fires effect climate
- 77% of Californians are concerned about global warming as is he
- In the past warm periods have been short and the cool periods longer
- It is actually not as warm today as it has been in the past, though that doesn't diminish the fact that the earth is warming.
- CO2 is a greenhouse gas and is related to global warming.
- Fires produce CO2
- Emission factors show that by far CO2 is the most released GHG
- Size and intensity of fires are increasing and the costs of fighting them are bankrupting cities, states, and regions.
- The recent Southern California fires burned over 500,000 acres and released millions of tons of GHGs into the atmosphere.
- The emissions have been calculated as the equivalent of 3.7 million cars on the highway for one year. What has generally not been included in these calculations is the decay factor. That is the amount of emissions of burned materials that produce GHG emissions. Calculating this factor would mean emissions equal to 38% of all the cars on California's roads for one year.

Dr. Bonnicksen continued by saying that fires are predictable and preventable events. He said that the major problem we face is the density of the forests. He said that if you cannot walk through a forest you can expect a catastrophic fire. An additional problem is that much of the vegetation in the Lake Tahoe Basin is dead or dying.

The Angora Fire released more than 143,000 tons of GHGs which equals 48 tons per acre. This is equivalent to burning an 89 Mgw coal fired power plant sitting in the Tahoe Basin. Concerning the Angora Fire, Dr. Bonnicksen said that he disagrees with the "blame the victim" attitude that many have expressed. He said that many homeowners were in a position where no amount of planning would have prevented their home's destruction.

He continued by discussing the various treatment and strategy options for reducing the risk of wildfires.

- Fuel breaks
- SPLATS (Local Area Treatments)
- Let the forest burn
- Prescribed fires

He then discussed his research and said that he had designed a computer model of the Lake Tahoe Basin forest. He used the model to test various treatment strategies by thinning the forest without taking any trees larger than 30" in diameter. He computed the amount of bio-mass and carbon in the basin and concluded that there are more than 4.5 million tons. He said that his model accounted for the various components of the materials which burn at differently and at different rates. He said that he found that, contrary to conventional wisdom, a prescribed fire emits more GHG than a wildfire when you take into account the fact that prescribed fires, by definition, burn more often than wildfires.

Dr. Bonnicksen continued by offering his concept of action strategies.

- Restoration forestry
- Harvesting dead trees
- Re-plant the forest in a way that mimics the previous forest

The major problem is that the modern forest is denser than those of the ancient forests during the most vigorous growth periods. There is more fuel and many burned areas with fallen trees and a good deal of brush. Dr. Bonnicksen concluded by saying that with the right treatment plans it would be possible to recover 98% of lost CO₂ within the next 100 years. He opened the conversation to questions.

John Pickett asked if he believed that the Angora Fire was an aberration and what is the likelihood of future fires. Dr. Bonnicksen said that it was not an unusual situation and that without aggressive thinning more fires can certainly be expected.

Dr. Bonnicksen said that we will need a management strategy for the forest that surrounds the homes in the forest area. Homeowners are also responsible and some strategies should be mandated. The source of the threat is the most important factor. The cost is a major factor in some of the decisions by local agencies. The single biggest stumbling block for forest management is funding. It will be necessary to thin as well as maintain the forests – a very costly proposition. He said that a solution is to find a way to market the materials taken from the forest in the thinning process. This would go a long way to financing the projects. (\$32 billion every 15 years would be required to manage all of the 73 million acres currently at risk.)

We need a streamlined process for Timber Harvest Plans (THP) for fire protection purposes, especially for private forest landowners. More effort has been put into responding to a crisis than has been put into maintenance.

Bud Hicks said that he was struck by Dr. Bonnicksen's statement that a great deal of emissions is the result of burned areas and trees that have not been removed. He asked how much time we would have to remove these trees and still expect that they would retain their commercial value. The answer was that in about one year and one half to two years the trees would lose 50% of their value. It is important that these measures be taken quickly following a fire.

There was discussion regarding Governor Schwarzenegger's commitment to reducing GHG emissions. He has committed the state to returning to 1990 GHG emission levels by 2020. AB32 codifies the governor's targets and discusses the California EPA which is very different from the Federal EPA. The California EPA coordinates the state's climate change activities and has formed a climate action team. The Climate Action Team is tasked with assisting California agencies in their efforts to meet the standards set down by the Governor and the legislature. The California Air Resources Board is tasked with setting up the program to get the reductions and is required to put forward a scoping plan. There have been many discussions among the various groups and there will be a good deal of activity during the coming year.

Dr. Bonnicksen said that he is aware of much of this and said that if he could give Governor Schwarzenegger any advice he would tell him that the single most effective way to reduce GHG emissions in the short term is to take steps to reduce the area burned by wildfires. The Air Resources Board has seen Dr. Bonnicksen's work and they will continue to work together on the issue.

Ms. Dargan asked about Dr. Bonnicksen's impressions of the recent Canadian experiments which concluded that as long as you're reducing the fuel load up to 100 feet from structures and are taking care of the ember issues by using fire resistant building materials the forest won't cause the house to burn. He said that he interprets the results of the study by saying that it is a good start but that it is not conclusive and cannot necessarily protect the home 100% of the time. A burning forest will always be a threat and will certainly contribute to global warming. Ms. Dargan said that a lot of success will come from improving building materials.

Dr. Bonnicksen agreed but said that when one house in the neighborhood burns all will be threatened. He reiterated his contention that the most important factor and focus must be on the source of the fires in the forest. He said that responsible thinning of the forests could have many benefits, healthy forests, larger stronger trees, improved water quality and quantity, forests with more biological diversity, and safer homes. We know how to reduce the threat and how to do it at almost no cost.

Ms. Dargan said that one of the things that is emerging out of the research that is being done is that one way to protect communities from wildfire threat may be approached

differently from strategies that promote healthy forests. Dr. Bonnicksen said that he believes that they are about 90% the same. He said that what is good for the forest is actually good for the community.

Mr. Pickett pointed out that the house that was shown in the presentation was one that he spent sometime studying. He said that the homeowners in the area had done the best they could with good defensible space practices. The goal is not to blame but to provide as much education as possible. Dr. Bonnicksen agreed and said that regulations do get in the way. He said that he does not have a problem with a regulation on the size of trees, but it should be remembered that at some point we might be looking at a forest full of large trees that are actually dying if it is not possible to remove large trees.

Commissioner Sig Rogich mentioned a letter that had been submitted to the commission that challenged Dr. Bonnicksen's conclusions and gave him the opportunity to respond. Dr. Bonnicksen said that the issues raised in the letter have been addressed and cleared up more than two years ago. He continued by saying that he welcomes criticism of his professional work, but that he objected to the personal attacks and hopes that the commission will take that part of the letter with a grain of salt.

There was agreement that this was an unfair assessment of Dr. Bonnicksen's work and the commissioners appreciated his contribution to the effort. Ms. Dargan said that she is reading his book and is enjoying his insights into the history of the forests and is impressed with the professionalism of the work. Again, she thanked Dr. Bonnicksen for his presentation and called for a short recess of the commission meeting.

MOTION

To accept Dr. Bonnicksen's report.

Unanimously accepted.

4. Staff Report

Dana Cole discussed an update of the Work Plan. He pointed out the fact that we are falling behind at this point. Ms. Dargan discussed upcoming meetings and said that recommendations will be coming forward soon. The meeting on February 19, 2008 will have committee meetings in the morning. The meetings during March will, likely, be very long and grueling. At this point it may be necessary to make some decisions, i.e., more meetings or ask for an extension.

Mr. Rogich pointed out the importance of focusing on deadlines for F&Rs. He suggested setting up firm deadlines. Ms. Dargan said that the commission has said that February 15 would be the deadline, though there will be an attempt to be inclusive.

The commission continued with a discussion concerning quorums for the committees. Mr. Cole said that it is important that commissioners be aware that committees cannot meet and conduct their work without a quorum.

Mr. Cole continued with a discussion of the system for tracking the Findings and Recommendations. The F&Rs will be posted on the Commission's web-site and hard copies will be available in binders at the meetings. At this point, the decision has been made that hard copies will not be available during the meetings. It is very expensive and labor intensive to print these F&Rs. The public is asked to print them from the web-site or to request them from staff members.

Christine Sproul, Deputy Attorney General, State of California, discussed Open Meeting Laws as they relate to agendizing F&Rs and committee recommendations. As the commission begins the final processes it is important to remember that items that are proposed for action need to be agendized both on the committee and the commission agenda, as items will likely be moving quickly from committee to commission in the next two months. Any related materials will be available on the web-site.

Jim Pena said that he expects to be bringing forth approximately 10 F&Rs next committee meeting. Mr. Cole continued with a discussion of the coding of the spreadsheet for all of the F&Rs.: Red – F&R submitted and assigned to committee. Green: the commission has completed its action.

Ms. Dargan stressed the fact that the committees have the flexibility to change or adapt the F&Rs when necessary. Mr. Cole said that he is finding many F&Rs have common themes. He continued with a report of the status of the final report to the Governors. Staff has put together a suggested table of contents page that has been included in the commissioners' packets for their information. Currently the Action Plan section is being written and the framework will be completed soon.

Mr. Rogich asked where any request for an Emergency Declaration might be included. Mr. Cole said that there is room within the framework of the report for an Emergency Declaration. Ms. Dargan said that the report will include an executive summary and that the appendices may not necessarily include all materials though they will be available. The anticipation is that the final document will be in by the final week in April, allowing for a roll out in May.

The commission will look into prioritizing recommendations and categorizing them. Mr. Rogich said that we will consider each F&R in terms of any emergency components that might be a part of the recommendation.

5. Committee Reports

A. Wildland Fuels Committee

Mr. Pena, Chairman, gave the committee report. He said that he appreciated the comments Mr. Cole had made about attendance, and emphasized how important it was to have a quorum for future meetings. There was some discussion by Mr. McIntyre about alternates attending meetings in order to ensure a quorum.

Mr. Cole asked that legal counsel be consulted on this issue to ensure that committee actions were within the law. Counsel Ms. Sproul noted that the Open Meetings Act requires that specific people be named members of the committees and that a quorum of the members be present to take action; however, the “committee of the whole” can meet to receive information and for discussion purposes. Mr. Rogich wondered whether the Commission might simply vote to make every Commissioner a member of every committee for purposes of ensuring adequate numbers in attendance; however, it was pointed out that this could result in an increased quorum number, but it was requested that counsel consider whether additional alternates could be named to achieve this desired end. Ms. Sproul said that she and other counsel would look into it.

It was noted that John Koster was an alternate of both committees. Ms. Dargan asked if counsel would be able to look at the issue today, and Ms. Sproul said that they would but any changes would have to be agendized for the next meeting. Ms. Dargan expressed concern about time lost before changes could be made, but Ms. Sproul noted that this was necessary to meet legal requirements. Mr. Pena summarized that in the meantime, the important thing was to attend all the committee meetings.

Mr. Patrick Wright said that that may not be realistic as the meetings get closer together, the Commissioners have many professional obligations that also have to be fulfilled. He wondered if it was necessary for the full committee to vote formally to approve every finding and recommendation (F&R) or, if the committee was short of a quorum, if it could just come to the Commission with a “sense of the committee,” if there was broad support. The full Commission is the body actually approving the F&R, regardless. Mr. Cole stated that counsel seemed to be indicating that as long as the item had been agendized this was an option.

Mr. Pena noted that the idea was for the committees to vet and discuss the F&Rs thoroughly so the Commission could move fairly quickly through them, and not get bogged down. Ms. Sproul spoke for the record saying that there was no obstacle to the “sense of the committee” approach as long as the item then appeared on the Commission agenda for comment and a vote. Mr. Cole then asked if the committee expansion/addition of alternates should still go on the agenda of the next meeting and was answered in the affirmative by Ms Dargan.

Mr. Pena now continued with his Wildland Fuels Committee report. He said that they covered the process discussion from the counsel's letter. They adhered to the process in how they managed the meeting. He said that in total the committee was looking at 22 to 25 F&Rs, and expected that between five and 10 F&Rs could be approved at the next meeting and as previously decided these would already be on the agenda for the Commission meeting the next day. He said his committee had already discussed how to handle similar and duplicative F&Rs and integrate the essence of them. Yesterday, the question was also asked what had not yet been before the committee that needed to be covered. Suggestions are due by next Wednesday. The agenda of the next meeting will have the topics by groups.

Ms. Dargan informed the audience that public comment on committee reports would be taken after all the committees and reported and item 5 was complete. She note for the commissioner and public the F&Rs don't have to be long or accompanied by many paragraphs of justification—they can be short and direct.

Mr. Upton said that since material is available on the Commission website he suggested that anyone contemplating making an F&R look to see if their idea is already under consideration. Ms. Dargan pointed out that the F&R tracking log on the site is a good way to get a brief description quickly.

B. Community Fire Safety Report

Mr. Grijalva, Chairman, gave the report.

The committee first reviewed previous committee actions, and had one item agendaized for action as an F&R, the one designated U-009. Tahoe Fire chiefs had expressed concerns about wildland fire protection in the Basin, the balancing of acres between the federal fire agencies and Cal Fire—not having 24/7 coverage, not having all-risk coverage, and the limitations that the Forest Service has regarding structural protection. After presentations from the Forest Service and Cal Fire there was a thorough discussion of responsibility areas and direct protection areas for the various jurisdictions. After a thorough discussion, the Tahoe basin Fire Chiefs finding and their “option 2” was approved by the committee. Basically, that finding was that the level of wildland fire protection on California state responsibility area is below the basic 24/7 all-risk standard in the rest of the State of California. The recommendation was that the State of California considers review of the level of service on California state responsibility area in the Tahoe Basin and adjusting it on a permanent basis to a level that is comparable to elsewhere in California. This could include engines on the north and south ends of the Lake 24/7 during the declared fire season and instructing those engine companies, and potentially forester positions, to participate in California PRC 4291 inspections in cooperation with local government. This F&R was accepted by the committee and is expected to be forwarded to the full commission for action. Mr. Grijalva noted that this was not to replace the existing fire-protection structure, but to enhance it. He added that he took responsibility for a cost analysis.

The committee also reviewed other F&Rs and he noted the committee has been working on permit streamlining and will receive a presentation at the next meeting. The committee modified a previously reviewed finding as follows: That the Governors adopt the priorities of life, property and the environment in that order with respect to fire safety, fire prevention and such other matters as are within the jurisdiction of the Commission. It is further recommended that the Governors advise and recommend to the TRPA and the various state agencies that having jurisdiction over environmental matters within the Tahoe basin that these priorities should be incorporated, in the order set forth above, to the maximum extent possible in the standards and procedures applied by such agencies in the Basin. That recommendation was accepted by the committee but there will be more discussion after the presentation at the next committee meeting.

Regarding the F&R approved by the committee on January 14 it was decided to add the term it was decide to add the term “relating to fuel reduction activities” to that recommendation so that it now reads “That all permit requirements *relating to fuel reduction activities* be eliminated...”

More discussion will be done by the committee after presentations by a number of entities on the matter of permit streamlining.

The committee spent time on coordination between committees, to ensure that F&Rs in other committees were in the right arena and concluded that staff were doing a good job in assigning the F&Rs, but will continue to look at the coordination issue and if something comes to the committee that belongs in another one they will forward it.

Ms. Dargan noted that the Legislative and Funding Policy committee had reviewed an F&R last night that would be forwarded to Mr. Grijalva committee.

Mr. Grijalva continued that the committee then looked at all other F&Rs on their list for prioritization purposes, requests for further information or presentations, etc., but stressed that all pending items would be agendized for the next meeting.

He noted that there was no public comment at the committee meeting of January 24.

Ms. Dargan said she had heard verbal references to roofing F&R that was possibly a subject for this committee but that she didn't see it listed.

Mr. Patrick Wright asked about the phrasing in the F&Rs “that the State of California consider review”? It seemed pretty soft; should it be stronger? Mr. Wright said he didn't have a position either way but was curious. Mr. Grijalva said that the wording will be worked out by the committee.

C. Legislative and Funding Policy Committee

Ms. Dargan offered a report and said that the committee considered seven F&Rs and assigned them to staff. A representative from the BLM will brief the committee on SNMPLA funding processes. Two F&Rs were discussed regarding TRPA and the governing board and the institutional process. TRPA board members, members of the public, and the committee members had a useful conversation. Several options were discussed. The conversation was exploratory and there was concern about opening the compact and avoiding legislative confusion or one state or the other considering pulling out of the contract.

Mr. Rogich said that he does not think that there is any danger of either state considering pulling out of the TRPA contract.

Ms. Dargan said that the other F&R that was considered was a recommendation to create a standing committee that would monitor conditions and implementation and compliance with any adopted recommendations, a yard stick or a measuring tool.

Ms. Dargan concluded the report.

6. Working Group Report

Mike Vollmer said that most of his issues were covered during the committee reports and that he did not have more to add at this time.

Discussion continued concerning F&Rs related to SEZs. An F&R was recently submitted and will be forwarded to committee.

Ms. Dargan gave direction to the committees and said that success will depend on getting through the F&Rs in a timely fashion.

Mr. Rogich asked if the issue of logging has been addressed in either committee. The answer was not as yet but that information would be forth coming.

7. Public Comment

Steve Kennedy asked about inviting a guest to speak at the February 19, 2008 committee meeting. Ms. Dargan said that Mr. Kennedy is free to invite anyone he chooses and that the only restriction would be that the presentation not be any longer than three minutes.

8. Adjournment

Meeting adjourned at approximately 12:10 pm.

